

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
 v.) 1:11-CR-53
) *Collier/Carter*
STACY ALLEN)

ORDER

Alleging inaccuracies and falsehoods in an affidavit supporting a search warrant, Defendant Stacy Allen (“Defendant”) moved for a *Franks* hearing¹ (Court File No. 13), which the government opposed (Court File No. 15). This motion was referred to United States Magistrate Judge William B. Mitchell Carter (Court File No. 14). Concluding Defendant had offered no evidence demonstrating the affiant made statements in the affidavit with reckless disregard for the truth or with deliberate falsity, Judge Carter recommended Defendant’s motion be denied (Court File No. 16). Defendant filed an objection (Court File No. 17), and the government responded (Court File No. 18). For the reasons discussed in the accompanying memorandum, the Court **ACCEPTS** and **ADOPTS** Judge Carter’s Report and Recommendation (“R&R”) (Court File No. 16). Accordingly, Defendant’s motion for a *Franks* hearing is **DENIED** (Court File No. 13).

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

¹ Under *Franks v. Delaware*, 438 U.S. 154 (1978), a criminal defendant has a Fourth Amendment right to challenge the truthfulness of factual statements made in an affidavit made in support of a search warrant after that search warrant has been issued.